

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

MARK E. MARTIN,

PLAINTIFF,

v.

CASE NO. 08-12324

COMMISSIONER
OF SOCIAL SECURITY,

HONORABLE SEAN F. COX

DEFENDANT.

/

ORDER
ACCEPTING REPORT & RECOMMENDATION

Proceeding *pro se*, Plaintiff Mark E. Martin (“Plaintiff”) brought this action under 42 U.S.C. §405(g) seeking review of the denial of his application for Social Security Disability Insurance Benefits.

On May 30, 2008, the matter was referred to Magistrate Judge Donald Scheer for determination of all non-dispositive motions pursuant to 28 U.S.C. § 636(b)(1)(A) and issuance of a Report and Recommendation pursuant to 28 U.S.C. § 636(b)(1)(B). (Docket Entry No. 3).

Thereafter, Magistrate Judge Scheer issued a Scheduling Order, which included deadlines for the parties to file motions for summary judgment. Those deadlines were later extended, at the request of the parties. Nevertheless, Plaintiff did not file a Motion for Summary Judgment and the time permitted for doing so has expired. Defendant filed a timely Motion for Summary Judgment and Plaintiff did not file a brief in response to that motion.

On January 23, 2009, Magistrate Judge Scheer filed a Report and Recommendation (“R&R”) wherein he recommends that the Court grant Defendant’s Motion for Summary

Judgment and dismiss Plaintiff's complaint.

Pursuant to FED. R. CIV. P. 72(b), a party objecting to the recommended disposition of a matter by a Magistrate Judge must file objections to the R&R within ten (10) days after being served with a copy of the R&R. "The district judge to whom the case is assigned shall make a *de novo* determination upon the record, or after additional evidence, of any portion of the magistrate judge's disposition to which specific written objection has been made." *Id.*

Although the time permitted for filing objections has long since passed, Plaintiff has not filed any objections to the R&R.

Accordingly, the Court **ACCEPTS** and **ADOPTS** the January 23, 2009 R&R. **IT IS ORDERED** that Defendant's Motion for Summary Judgment is **GRANTED** and that Plaintiff's Complaint be **DISMISSED WITH PREJUDICE**.

IT IS SO ORDERED.

s/ Sean F. Cox
United States District Judge

Date: March 19, 2009

I hereby certify that on March 19, 2009, a copy of the foregoing document was served upon counsel of record by electronic means and by First Class Mail upon:

Mark Elwyn Martin
5442 Westchester Dr
Flint, MI 48532

s/ Jennifer Hernandez
Case Manager